

## REMARKS

By this Amendment, claims 1-3 and 6-18 are amended. Claims 1-19 are pending in the application. Reconsideration of the Official Action is respectfully requested in view of the above amendments and the following remarks.

### 1. Objection to Claims

The Official Action objects to claim 1. As suggested in the Official Action, a colon ":" has been inserted immediately following the term "comprising" in line 2. Withdrawal of the objection is respectfully requested.

### 2. Rejection Under 35 U.S.C. § 112, ¶2

Claims 2, 6-8, 11, 13, 14 and 16 stand rejected under 35 U.S.C. §112, ¶2. The reasons for the rejection are stated at pages 2-3 of the Official Action.

Claims 2, 3, 6-8, 11, 13, 14 and 16 have been amended to address the assertions that are set forth at numbered paragraphs 4-11 of the Official Action.

Claim 2 has been amended to change "assigned to" to "communicating with."

Support is provided at page 11, first paragraph, of the specification.

Support for the amendments to claim 3 is provided at page 10, third paragraph, of the specification.

Claim 6 has been amended to provide antecedent basis for the "shell."

Claim 7 has been amended for clarity.

Claim 8 has been amended to depend from claim 7 to provide antecedent basis for "said bearing shaft."

Claim 11 has been amended to recite that the return device "including at least one identifying means arranged with respect to at least one of said insertion opening, said receiving means, said support plate, and said intermediate bottom for identifying

at least one characteristic feature of said container" (emphasis added). Support for the amendments to claim 11 is provided, for example, in Figures 2 and 3, and at page 9, third paragraph, and page 10, second paragraph, of the specification.

Claim 13 has been amended to change "assigned to" to "connected to," as suggested in the Official Action. Support is provided at page 5, third and fourth paragraphs, of the specification.

Claim 14 has been amended to depend from claim 11 to provide antecedent basis for the "identifying means."

Claim 16 has been amended to recite that "a shell is connected to a bearing sleeve by a radial arm which is rotatably attached to a rotational sleeve." Support for the amendments is provided at page 9, first paragraph, of the specification.

Applicants respectfully submit that one having ordinary skill in the art would understand the meaning of claims 2, 6-8, 11, 13, 14 and 16 when read in light of the specification, and thus these claims comply with the requirements of 35 U.S.C. § 112, ¶2. Withdrawal of the rejection is therefore respectfully requested.

**3. Other Claim Amendments**

Claims 9 and 10 have been amended to provide antecedent basis for the recited "passage holes."

Claim 12 has been amended to depend from claim 11 to provide antecedent basis for recited "characteristic feature."

Claim 15 has been amended for clarity.

Claim 17 has been amended to provide antecedent basis for the "rotational sleeve" and the "hollow shaft."

Claim 18 has been amended to provide antecedent basis for the "shell" and the "identifying means."

**4. Rejection Under 35 U.S.C. §103**

Claims 1-19 stand rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,547,055 to Coyne et al. ("Coyne"). The reasons for the rejection are stated on pages 4-8 of the Official Action. The rejection is respectfully traversed.

Claim 1, as amended, recites "a return device for containers, such as bottles, cups, cans, or the like, comprising: an insertion opening for receiving the container and at least one distributing means for transporting the container from said insertion opening to a selectable processing means of said return device, said distributing means comprising at least one intermediate bottom and a receiving means both rotatably supported about a shaft, wherein said receiving means is rotated to transport the container away from said insertion opening and said intermediate bottom is rotated to position a sorting opening of the intermediate bottom relative to a bottom opening of said receiving means for passing said container through the sorting opening and the bottom opening to the selected processing means."

Accordingly, the return device recited in claim 1 includes at least one intermediate bottom and a receiving means. The intermediate bottom and receiving means are both rotatably supported about a shaft. Claim 1 recites two openings; namely, a "sorting opening" of the at least one intermediate bottom and a "bottom opening" of the receiving means. By relative rotational movement of the intermediate bottom and the receiving means about the shaft, the sorting opening and bottom opening can be oriented relative to each other, such that a container can

pass through both openings to a selected processing means. Coyne fails to disclose or suggest the return device recited in claim 1 for the following reasons.

Coyne discloses a reverse vending machine. As shown in Figure 3, the vending machine includes an in-feed door 24 (see column 4, lines 20-28). The Official Action asserts that the central section 22b may be construed as an "intermediate bottom," and that the wheel 32 may be rotated relative to the central section. The Official Action asserts that the wheel 32 is a "receiving means." The wheel 32 is part of a container advancement mechanism and is operable to transport containers with container carrier elements 34 (column 5, lines 6-9). As understood by Applicants, the wheel 32 should also comprise bottom openings, which appear to be the through-holes 34a formed in the wheel from which the corresponding containers are removed after passing the container identifier 50. Containers are off-loaded at container selector 42 (column 6, lines 20-22), at which are first and second pneumatic jets 42a, 42b. First jet 42a urges "acceptable" containers from the container advancement mechanism down an acceptable container chute 44a and to a storage bin 46. Second jet 42b urges "unacceptable" containers from the container advancement mechanism down an unacceptable container discharge chute 44b to a reject port 48 (column 6, lines 22-32).

However, in the return device recited in claim 1, the receiving means comprises a bottom opening and the intermediate bottom comprises a sorting opening. As recited in claim 1, "said receiving means is rotated to transport the container away from said insertion opening and said intermediate bottom is rotated to position a sorting opening of the intermediate bottom relative to a bottom opening of said receiving means for passing said container through the sorting opening and

the bottom opening to a selected processing means." Coyne does not disclose or suggest such an arrangement of openings, or such relative movement of the openings to each other.

Coyne does not disclose or suggest any rotation of an "intermediate bottom," or relative rotation of such "intermediate bottom" and "receiving means." Therefore, in Coyne's apparatus, it is not possible to orient corresponding openings for passing a container through both openings. Accordingly, claim 1 is patentable over Coyne.

Dependent claims 2-19 also are patentable over Coyne for at least the same reasons that claim 1 is patentable.

Withdrawal of the rejection is therefore respectfully requested.

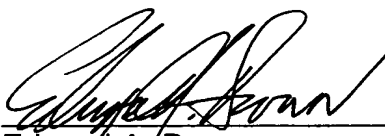
**5. Conclusion**

For the foregoing reasons, withdrawal of the objection and rejections and prompt allowance of the application are respectfully requested.

Respectfully submitted,

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